

1                   A bill to be entitled  
2     An act relating to campaign financing; amending s.  
3     103.081, F.S.; permitting the use of a political party's  
4     name, abbreviation, or symbol by an affiliated party  
5     committee under certain circumstances; creating s.  
6     103.092, F.S.; providing for the establishment of  
7     affiliated party committees; providing a definition;  
8     delineating duties and responsibilities of such  
9     committees; amending s. 103.121, F.S.; requiring certain  
10    assessments to be paid to an affiliated party committee;  
11    amending s. 106.011, F.S.; revising the definition of the  
12    term "political committee" to remove certain reporting  
13    requirements included in the exclusion of electioneering  
14    communications organizations from the definition and to  
15    allow contributions to an affiliated party committee;  
16    adding an affiliated party committee to the list of  
17    entities not considered a political committee under  
18    chapter 106, F.S.; revising the definition of the term  
19    "independent expenditure" to specify that certain  
20    expenditures are not considered an independent  
21    expenditure; revising the definition of the term "person"  
22    to include an affiliated party committee; revising the  
23    definition of the term "filing officer" to expand  
24    applicability to electioneering communications  
25    organizations; revising the definition of the term  
26    "electioneering communication" to conform to certain  
27    federal requirements and to delineate what constitutes  
28    such a communication; revising the definition of the term

29 | "electioneering communications organization"; amending s.  
30 | 106.021, F.S.; providing that certain expenditures by an  
31 | affiliated party committee are not considered a  
32 | contribution or expenditure to or for a candidate;  
33 | amending s. 106.025, F.S.; exempting an affiliated party  
34 | committee from certain campaign fund raising requirements;  
35 | amending s. 106.03, F.S.; revising the registration  
36 | requirements for electioneering communications  
37 | organizations; revising the statement of organization  
38 | requirements; revising rule adoption requirements relating  
39 | to dissolution of political committees and electioneering  
40 | communications organizations; amending s. 106.04, F.S.;  
41 | requiring that a committee of continuous existence report  
42 | receipts from and transfers to an affiliated party  
43 | committee; amending s. 106.0701, F.S.; exempting an  
44 | affiliated party committee from certain filing  
45 | requirements; amending s. 106.0703, F.S.; consolidating  
46 | reporting requirements in ch. 106, F.S., applicable to  
47 | electioneering communications organizations; providing  
48 | penalties; conforming provisions; amending s. 106.0705,  
49 | F.S., relating to electronic filing of campaign  
50 | treasurer's reports; conforming provisions; requiring an  
51 | affiliated party committee to file certain reports with  
52 | the Division of Elections; providing that a report filed  
53 | by the leader and treasurer of an affiliated party  
54 | committee is considered to be under oath; amending s.  
55 | 106.071, F.S.; increasing the aggregate amount of  
56 | expenditures required for filing certain reports related

57 | to independent expenditures or electioneering  
58 | communications; amending s. 106.08, F.S.; removing certain  
59 | limitations on contributions received by an electioneering  
60 | communications organization; providing that an affiliated  
61 | party committee is treated like a political party  
62 | regarding limitations on contributions; deleting the 28-  
63 | day restriction on acceptance of certain funds preceding a  
64 | general election; placing certain restrictions on  
65 | solicitation for and making of contributions; providing  
66 | guidelines for acceptance of in-kind contributions; adding  
67 | an affiliated party committee to entities subject to  
68 | penalties; creating s. 106.088, F.S.; requiring the  
69 | subscribing to an oath or affirmation prior to receipt of  
70 | certain funds; providing the form of the oath; providing  
71 | penalties; providing that undistributed funds shall be  
72 | deposited into the General Revenue Fund; amending s.  
73 | 106.113, F.S., relating to expenditures by local  
74 | governments; revising definitions; prohibiting a local  
75 | government, or a person acting on behalf of a local  
76 | government, from making a specific appropriation or  
77 | designated expenditure of moneys under the jurisdiction or  
78 | control of the local government; prohibiting certain  
79 | persons or groups from accepting such moneys for the  
80 | purpose of certain political advertisements; deleting an  
81 | exception for certain electioneering communications;  
82 | clarifying that certain provisions of state law do not  
83 | preclude certain officials from expressing an opinion on  
84 | an issue at any time; amending s. 106.141, F.S.; adding

85 affiliated party committees to the list of entities to  
86 which a candidate may donate surplus funds; amending s.  
87 106.143, F.S.; requiring an affiliated party committee,  
88 like a political party, to obtain advance approval by a  
89 candidate for political advertisements; amending s.  
90 106.1439, F.S.; providing identification requirements for  
91 certain electioneering communications; providing an  
92 exception for telephone calls; amending s. 106.147, F.S.,  
93 relating to telephone solicitation disclosure  
94 requirements; removing requirements relating to  
95 electioneering communication, to conform; revising the  
96 definition of the term "person" to include an affiliated  
97 party committee; providing penalties; amending s. 106.165,  
98 F.S.; adding affiliated party committees to the entities  
99 that must use closed captioning and descriptive narrative  
100 in all television broadcasts; amending s. 106.17, F.S.;  
101 adding affiliated party committees to those entities  
102 authorized to conduct polls and surveys relating to  
103 candidacies; amending s. 106.23, F.S.; providing that an  
104 affiliated party committee shall be provided an advisory  
105 opinion by the Division of Elections when requested;  
106 amending s. 106.265, F.S.; authorizing the imposition of  
107 civil penalties by the Florida Elections Commission for  
108 certain violations by an affiliated party committee;  
109 amending s. 106.27, F.S.; adding affiliated party  
110 committees to those entities subject to certain  
111 determinations and legal disposition by the Florida  
112 Elections Commission; amending s. 106.29, F.S.; requiring

113 filing of certain reports by an affiliated party  
114 committee; providing restrictions on certain expenditures  
115 and contributions; providing penalties; amending s.  
116 11.045, F.S., relating to lobbying before the Legislature;  
117 excluding contributions and expenditures by an affiliated  
118 party committee from the definition of the term  
119 "expenditure"; amending s. 112.312, F.S.; providing that  
120 certain activities pertaining to an affiliated party  
121 committee are excluded from the definition of the term  
122 "gift"; amending s. 112.3215, F.S., relating to lobbying  
123 before the executive branch or the Constitution Revision  
124 Commission; excluding contributions and expenditures by an  
125 affiliated party committee from the definition of the term  
126 "expenditure"; reenacting ss. 106.011(1)(b), (3), (4),  
127 (18), and (19), 106.022(1), 106.03(1)(b), 106.04(5),  
128 106.0703, 106.0705(2)(b), 106.071(1), 106.08(7), 106.1437,  
129 106.1439, and 106.17, F.S., relating to definitions,  
130 registered office and agent requirements, registration  
131 requirements, prohibited activities for committees of  
132 continuous existence, additional reporting requirements,  
133 electronic filing requirements, expenditure reports,  
134 penalties for violations pertaining to limitations on  
135 contributions, miscellaneous advertisements,  
136 electioneering communications disclaimers and penalties  
137 for failure to include disclaimers, and polls and surveys  
138 pertaining to candidacies, to cure and conform; providing  
139 an effective date.

140

141 Be It Enacted by the Legislature of the State of Florida:

142  
 143 Section 1. Subsection (4) is added to section 103.081,  
 144 Florida Statutes, to read:

145 103.081 Use of party name; political advertising.—

146 (4) Notwithstanding any other provision of law to the  
 147 contrary, an affiliated party committee shall be entitled to use  
 148 the name, abbreviation, or symbol of the political party of its  
 149 leader as defined in s. 103.092.

150 Section 2. Section 103.092, Florida Statutes, is created  
 151 to read:

152 103.092 Affiliated party committees.—

153 (1) For purposes of this section, the term "leader" means  
 154 the President of the Senate, the Speaker of the House of  
 155 Representatives, or the minority leader of either house of the  
 156 Legislature, until a person is designated by a political party  
 157 conference of members of either house to succeed to any such  
 158 position, at which time the designee becomes the leader for  
 159 purposes of this section.

160 (2) The leader of each political party conference of the  
 161 House of Representatives and the Senate may establish a  
 162 separate, affiliated party committee to support the election of  
 163 candidates of the leader's political party. The affiliated party  
 164 committee is subject to the same provisions of chapter 106 as a  
 165 political party.

166 (3) Each affiliated party committee shall:

167 (a) Adopt bylaws to include, at a minimum, the designation  
 168 of a treasurer.

- 169        (b) Conduct campaigns for candidates who are members of
- 170 the leader's political party.
- 171        (c) Establish an account.
- 172        (d) Raise and expend funds. Such funds may not be expended
- 173 or committed to be expended except when authorized by the leader
- 174 of the affiliated party committee.

175        Section 3. Paragraph (b) of subsection (1) of section

176 103.121, Florida Statutes, is amended to read:

177        103.121 Powers and duties of executive committees.—

178        (1)

179        (b) The county executive committee shall receive payment

180 of assessments upon candidates to be voted for in a single

181 county except state senators, state ~~and members of the House of~~

182 ~~representatives,~~ and representatives to the Congress of the

183 United States; an affiliated party committee controlled by a

184 leader of the Senate as defined in s. 103.092 shall receive

185 payment of assessments upon candidates for the office of state

186 senator and an affiliated party committee controlled by a leader

187 of the House of Representatives as defined in s. 103.092 shall

188 receive payment of assessments upon candidates for the office of

189 state representative; and the state executive committees shall

190 receive all other assessments authorized. All party assessments

191 shall be 2 percent of the annual salary of the office sought by

192 the respective candidate. All such committee assessments shall

193 be remitted to the state executive committee of the appropriate

194 party and distributed in accordance with subsection (5), except

195 that assessments for candidates for the office of state senator

196 or state representative shall be remitted to the appropriate

197 affiliated party committee.

198 Section 4. Paragraph (a) of subsection (1) of section of  
 199 section 106.011, Florida Statutes, is amended, paragraph (b) of  
 200 subsection (1) of that section is reenacted and amended,  
 201 subsections (3) and (4) of that section are reenacted,  
 202 subsections (5), (8), and (14) of that section are amended, and  
 203 subsections (18) and (19) of that section are reenacted and  
 204 amended, to read:

205 106.011 Definitions.—As used in this chapter, the  
 206 following terms have the following meanings unless the context  
 207 clearly indicates otherwise:

208 (1)(a) "Political committee" means:

209 1. A combination of two or more individuals, or a person  
 210 other than an individual, that, in an aggregate amount in excess  
 211 of \$500 during a single calendar year:

212 a. Accepts contributions for the purpose of making  
 213 contributions to any candidate, political committee, committee  
 214 of continuous existence, affiliated party committee, or  
 215 political party;

216 b. Accepts contributions for the purpose of expressly  
 217 advocating the election or defeat of a candidate or the passage  
 218 or defeat of an issue;

219 c. Makes expenditures that expressly advocate the election  
 220 or defeat of a candidate or the passage or defeat of an issue;  
 221 or

222 d. Makes contributions to a common fund, other than a  
 223 joint checking account between spouses, from which contributions  
 224 are made to any candidate, political committee, committee of



225 continuous existence, affiliated party committee, or political  
 226 party;

227 2. The sponsor of a proposed constitutional amendment by  
 228 initiative who intends to seek the signatures of registered  
 229 electors.

230 (b) Notwithstanding paragraph (a), the following entities  
 231 are not considered political committees for purposes of this  
 232 chapter:

233 1. Organizations which are certified by the Department of  
 234 State as committees of continuous existence pursuant to s.  
 235 106.04, national political parties, ~~and~~ the state and county  
 236 executive committees of political parties, and affiliated party  
 237 committees regulated by chapter 103.

238 2. Corporations regulated by chapter 607 or chapter 617 or  
 239 other business entities formed for purposes other than to  
 240 support or oppose issues or candidates, if their political  
 241 activities are limited to contributions to candidates, political  
 242 parties, affiliated party committees, or political committees or  
 243 expenditures in support of or opposition to an issue from  
 244 corporate or business funds and if no contributions are received  
 245 by such corporations or business entities.

246 3. Electioneering communications organizations as defined  
 247 in subsection (19); ~~however, such organizations shall be~~  
 248 ~~required to register with and report expenditures and~~  
 249 ~~contributions, including contributions received from committees~~  
 250 ~~of continuous existence, to the Division of Elections in the~~  
 251 ~~same manner, at the same time, and subject to the same penalties~~  
 252 ~~as a political committee supporting or opposing an issue or a~~

253 ~~legislative candidate, except as otherwise specifically provided~~  
 254 ~~in this chapter.~~

255 (3) "Contribution" means:

256 (a) A gift, subscription, conveyance, deposit, loan,  
 257 payment, or distribution of money or anything of value,  
 258 including contributions in kind having an attributable monetary  
 259 value in any form, made for the purpose of influencing the  
 260 results of an election or making an electioneering  
 261 communication.

262 (b) A transfer of funds between political committees,  
 263 between committees of continuous existence, between  
 264 electioneering communications organizations, or between any  
 265 combination of these groups.

266 (c) The payment, by any person other than a candidate or  
 267 political committee, of compensation for the personal services  
 268 of another person which are rendered to a candidate or political  
 269 committee without charge to the candidate or committee for such  
 270 services.

271 (d) The transfer of funds by a campaign treasurer or  
 272 deputy campaign treasurer between a primary depository and a  
 273 separate interest-bearing account or certificate of deposit, and  
 274 the term includes any interest earned on such account or  
 275 certificate.

276  
 277 Notwithstanding the foregoing meanings of "contribution," the  
 278 word shall not be construed to include services, including, but  
 279 not limited to, legal and accounting services, provided without  
 280 compensation by individuals volunteering a portion or all of

CS/CS/HB 1207

2010

281 their time on behalf of a candidate or political committee. This  
282 definition shall not be construed to include editorial  
283 endorsements.

284 (4) (a) "Expenditure" means a purchase, payment,  
285 distribution, loan, advance, transfer of funds by a campaign  
286 treasurer or deputy campaign treasurer between a primary  
287 depository and a separate interest-bearing account or  
288 certificate of deposit, or gift of money or anything of value  
289 made for the purpose of influencing the results of an election  
290 or making an electioneering communication. However,  
291 "expenditure" does not include a purchase, payment,  
292 distribution, loan, advance, or gift of money or anything of  
293 value made for the purpose of influencing the results of an  
294 election when made by an organization, in existence prior to the  
295 time during which a candidate qualifies or an issue is placed on  
296 the ballot for that election, for the purpose of printing or  
297 distributing such organization's newsletter, containing a  
298 statement by such organization in support of or opposition to a  
299 candidate or issue, which newsletter is distributed only to  
300 members of such organization.

301 (b) As used in this chapter, an "expenditure" for an  
302 electioneering communication is made when the earliest of the  
303 following occurs:

304 1. A person enters into a contract for applicable goods or  
305 services;

306 2. A person makes payment, in whole or in part, for the  
307 production or public dissemination of applicable goods or  
308 services; or

309           3. The electioneering communication is publicly  
310 disseminated.

311           (5) (a) "Independent expenditure" means an expenditure by a  
312 person for the purpose of expressly advocating the election or  
313 defeat of a candidate or the approval or rejection of an issue,  
314 which expenditure is not controlled by, coordinated with, or  
315 made upon consultation with, any candidate, political committee,  
316 or agent of such candidate or committee. An expenditure for such  
317 purpose by a person having a contract with the candidate,  
318 political committee, or agent of such candidate or committee in  
319 a given election period shall not be deemed an independent  
320 expenditure.

321           (b) An expenditure for the purpose of expressly advocating  
322 the election or defeat of a candidate which is made by the  
323 national, state, or county executive committee of a political  
324 party, including any subordinate committee of the ~~a national,~~  
325 ~~state, or county committee of a political party,~~ an affiliated  
326 party committee, ~~a~~ or by any political committee, ~~a~~ ~~or~~ committee  
327 of continuous existence, or any other person, shall not be  
328 considered an independent expenditure if the committee or  
329 person:

330           1. Communicates with the candidate, the candidate's  
331 campaign, or an agent of the candidate acting on behalf of the  
332 candidate, including any pollster, media consultant, advertising  
333 agency, vendor, advisor, or staff member, concerning the  
334 preparation of, use of, or payment for, the specific expenditure  
335 or advertising campaign at issue; or

336           2. Makes a payment in cooperation, consultation, or

337 concert with, at the request or suggestion of, or pursuant to  
 338 any general or particular understanding with the candidate, the  
 339 candidate's campaign, a political committee supporting the  
 340 candidate, or an agent of the candidate relating to the specific  
 341 expenditure or advertising campaign at issue; or

342 3. Makes a payment for the dissemination, distribution, or  
 343 republication, in whole or in part, of any broadcast or any  
 344 written, graphic, or other form of campaign material prepared by  
 345 the candidate, the candidate's campaign, or an agent of the  
 346 candidate, including any pollster, media consultant, advertising  
 347 agency, vendor, advisor, or staff member; or

348 4. Makes a payment based on information about the  
 349 candidate's plans, projects, or needs communicated to a member  
 350 of the committee or person by the candidate or an agent of the  
 351 candidate, provided the committee or person uses the information  
 352 in any way, in whole or in part, either directly or indirectly,  
 353 to design, prepare, or pay for the specific expenditure or  
 354 advertising campaign at issue; or

355 5. After the last day of qualifying for statewide or  
 356 legislative office, consults about the candidate's plans,  
 357 projects, or needs in connection with the candidate's pursuit of  
 358 election to office and the information is used in any way to  
 359 plan, create, design, or prepare an independent expenditure or  
 360 advertising campaign, with:

361 a. Any officer, director, employee, or agent of a  
 362 national, state, or county executive committee of a political  
 363 party or an affiliated party committee that has made or intends  
 364 to make expenditures in connection with or contributions to the

365 candidate; or

366 b. Any person whose professional services have been  
 367 retained by a national, state, or county executive committee of  
 368 a political party or an affiliated party committee that has made  
 369 or intends to make expenditures in connection with or  
 370 contributions to the candidate; or

371 6. After the last day of qualifying for statewide or  
 372 legislative office, retains the professional services of any  
 373 person also providing those services to the candidate in  
 374 connection with the candidate's pursuit of election to office;  
 375 or

376 7. Arranges, coordinates, or directs the expenditure, in  
 377 any way, with the candidate or an agent of the candidate.

378 (8) "Person" means an individual or a corporation,  
 379 association, firm, partnership, joint venture, joint stock  
 380 company, club, organization, estate, trust, business trust,  
 381 syndicate, or other combination of individuals having collective  
 382 capacity. The term includes a political party, affiliated party  
 383 committee, political committee, or committee of continuous  
 384 existence.

385 (14) "Filing officer" means the person before whom a  
 386 candidate qualifies, the agency or officer with whom a political  
 387 committee or an electioneering communications organization  
 388 registers, or the agency by whom a committee of continuous  
 389 existence is certified.

390 (18) (a) "Electioneering communication" means any  
 391 communication publicly distributed by a television station,  
 392 radio station, cable television system, satellite system,

393 newspaper, magazine, direct mail, or telephone ~~a paid expression~~  
 394 ~~in any communications media prescribed in subsection (13) by~~  
 395 ~~means other than the spoken word in direct conversation that:~~

396 1. ~~Refers to or depicts a clearly identified candidate for~~  
 397 ~~office or contains a clear reference indicating that an issue is~~  
 398 ~~to be voted on at an election,~~ without expressly advocating the  
 399 election or defeat of a candidate but that is susceptible of no  
 400 reasonable interpretation other than an appeal to vote for or  
 401 against a specific candidate; ~~or the passage or defeat of an~~  
 402 ~~issue.~~

403 2. Is made within 30 days before a primary or special  
 404 primary election or 60 days before any other election for the  
 405 office sought by the candidate; and

406 3. ~~Is~~ ~~For communications referring to or depicting a~~  
 407 ~~clearly identified candidate for office,~~ is targeted to the  
 408 relevant electorate. ~~A communication is considered targeted if~~  
 409 ~~1,000 or more persons~~ in the geographic area the candidate would  
 410 represent if elected ~~will receive the communication.~~

411 3. ~~For communications containing a clear reference~~  
 412 ~~indicating that an issue is to be voted on at an election, is~~  
 413 ~~published after the issue is designated a ballot position or 120~~  
 414 ~~days before the date of the election on the issue, whichever~~  
 415 ~~occurs first.~~

416 (b) The term "electioneering communication" does not  
 417 include:

418 1. A communication disseminated through a means of  
 419 communication other than a television station, radio station,  
 420 cable television system, satellite system, newspaper, magazine,

421 direct mail, telephone, or statement or depiction by an  
 422 organization, in existence prior to the time during which a  
 423 candidate named or depicted qualifies ~~or an issue identified is~~  
 424 ~~placed on the ballot~~ for that election, made in that  
 425 organization's newsletter, which newsletter is distributed only  
 426 to members of that organization.

427 2. A communication in a news story, commentary, or  
 428 editorial distributed through the facilities of any radio  
 429 station, television station, cable television system, or  
 430 satellite system, unless the facilities are owned or controlled  
 431 by any political party, political committee, or candidate. A  
 432 news story distributed through the facilities owned or  
 433 controlled by any political party, political committee, or  
 434 candidate may nevertheless be exempt if it represents a bona  
 435 fide news account communicated through a licensed broadcasting  
 436 facility and the communication is part of a general pattern of  
 437 campaign-related news accounts that give reasonably equal  
 438 coverage to all opposing candidates in the area ~~An editorial~~  
 439 ~~endorsement, news story, commentary, or editorial by any~~  
 440 ~~newspaper, radio, television station, or other recognized news~~  
 441 ~~medium.~~

442 3. A communication that constitutes a public debate or  
 443 forum that includes at least two opposing candidates for an  
 444 office or one advocate and one opponent of an issue, or that  
 445 solely promotes such a debate or forum and is made by or on  
 446 behalf of the person sponsoring the debate or forum, provided  
 447 that:

448 a. The staging organization is either:



449 (I) A charitable organization that does not make other  
 450 electioneering communications and does not otherwise support or  
 451 oppose any political candidate or political party; or

452 (II) A newspaper, radio station, television station, or  
 453 other recognized news medium; and

454 b. The staging organization does not structure the debate  
 455 to promote or advance one candidate or issue position over  
 456 another.

457 (c) For purposes of this chapter, an expenditure made for,  
 458 or in furtherance of, an electioneering communication shall not  
 459 be considered a contribution to or on behalf of any candidate.

460 (d) For purposes of this chapter, an electioneering  
 461 communication shall not constitute an independent expenditure  
 462 nor be subject to the limitations applicable to independent  
 463 expenditures.

464 (19) "Electioneering communications organization" means  
 465 any group, other than a political party, affiliated party  
 466 committee, political committee, or committee of continuous  
 467 existence, whose election-related activities are limited to  
 468 making expenditures for electioneering communications or  
 469 accepting contributions for the purpose of making electioneering  
 470 communications and whose activities would not otherwise require  
 471 the group to register as a political party, political committee,  
 472 or committee of continuous existence under this chapter.

473 Section 5. Subsection (3) of section 106.021, Florida  
 474 Statutes, is amended to read:

475 106.021 Campaign treasurers; deputies; primary and  
 476 secondary depositories.—

477 (3) No contribution or expenditure, including  
478 contributions or expenditures of a candidate or of the  
479 candidate's family, shall be directly or indirectly made or  
480 received in furtherance of the candidacy of any person for  
481 nomination or election to political office in the state or on  
482 behalf of any political committee except through the duly  
483 appointed campaign treasurer of the candidate or political  
484 committee, subject to the following exceptions:

485 (a) Independent expenditures;

486 (b) Reimbursements to a candidate or any other individual  
487 for expenses incurred in connection with the campaign or  
488 activities of the political committee by a check drawn upon the  
489 campaign account and reported pursuant to s. 106.07(4). After  
490 July 1, 2004, the full name and address of each person to whom  
491 the candidate or other individual made payment for which  
492 reimbursement was made by check drawn upon the campaign account  
493 shall be reported pursuant to s. 106.07(4), together with the  
494 purpose of such payment;

495 (c) Expenditures made indirectly through a treasurer for  
496 goods or services, such as communications media placement or  
497 procurement services, campaign signs, insurance, or other  
498 expenditures that include multiple integral components as part  
499 of the expenditure and reported pursuant to s. 106.07(4)(a)13.;

500 or

501 (d) Expenditures made directly by any political committee,  
502 affiliated party committee, or political party regulated by  
503 chapter 103 for obtaining time, space, or services in or by any  
504 communications medium for the purpose of jointly endorsing three

505 or more candidates, and any such expenditure shall not be  
 506 considered a contribution or expenditure to or on behalf of any  
 507 such candidates for the purposes of this chapter.

508 Section 6. Subsection (1) of section 106.022, Florida  
 509 Statutes, is reenacted to read:

510 106.022 Appointment of a registered agent; duties.—

511 (1) Each political committee, committee of continuous  
 512 existence, or electioneering communications organization shall  
 513 have and continuously maintain in this state a registered office  
 514 and a registered agent and must file with the division a  
 515 statement of appointment for the registered office and  
 516 registered agent. The statement of appointment must:

517 (a) Provide the name of the registered agent and the  
 518 street address and phone number for the registered office;

519 (b) Identify the entity for whom the registered agent  
 520 serves;

521 (c) Designate the address the registered agent wishes to  
 522 use to receive mail;

523 (d) Include the entity's undertaking to inform the  
 524 division of any change in such designated address;

525 (e) Provide for the registered agent's acceptance of the  
 526 appointment, which must confirm that the registered agent is  
 527 familiar with and accepts the obligations of the position as set  
 528 forth in this section; and

529 (f) Contain the signature of the registered agent and the  
 530 entity engaging the registered agent.

531 Section 7. Subsection (2) of section 106.025, Florida  
 532 Statutes, is amended to read:

533 106.025 Campaign fund raisers.—

534 (2) This section shall not apply to any campaign fund  
 535 raiser held on behalf of a political party by the state or  
 536 county executive committee or an affiliated party committee of  
 537 such party, provided that the proceeds of such campaign fund  
 538 raiser are reported pursuant to s. 106.29.

539 Section 8. Paragraph (b) of subsection (1) of section  
 540 106.03, Florida Statutes, is reenacted and amended, and  
 541 subsections (2), (4), and (7) of that section are amended, to  
 542 read:

543 106.03 Registration of political committees and  
 544 electioneering communications organizations.—

545 (1)

546 (b) 1. Each electioneering communications organization that  
 547 receives ~~anticipates receiving~~ contributions or makes ~~making~~  
 548 expenditures during a calendar year in an aggregate amount  
 549 exceeding \$5,000 shall file a statement of organization as  
 550 provided in subparagraph 2. ~~subsection (3)~~ by expedited delivery  
 551 within 24 hours after its organization or, if later, within 24  
 552 hours after the date on which it receives ~~has information that~~  
 553 ~~causes the organization to anticipate that it will receive~~  
 554 contributions or makes ~~make~~ expenditures for an electioneering  
 555 communication in excess of \$5,000.

556 2.a. In a statewide, legislative, or multicounty election,  
 557 an electioneering communications organization shall file a  
 558 statement of organization with the Division of Elections.

559 b. In a countywide election or any election held on less  
 560 than a countywide basis, except as described in sub-subparagraph

561 c., an electioneering communications organization shall file a  
 562 statement of organization with the supervisor of elections of  
 563 the county in which the election is being held.

564 c. In a municipal election, an electioneering  
 565 communications organization shall file a statement of  
 566 organization with the officer before whom municipal candidates  
 567 qualify.

568 d. Any electioneering communications organization that  
 569 would be required to file a statement of organization in two or  
 570 more locations by reason of the organization's intention to  
 571 support or oppose candidates at state or multicounty and local  
 572 levels of government need only file a statement of organization  
 573 with the Division of Elections.

574 (2) The statement of organization shall include:

575 (a) The name, mailing address, and street address of the  
 576 committee or electioneering communications organization;

577 (b) The names, street addresses, and relationships of  
 578 affiliated or connected organizations;

579 (c) The area, scope, or jurisdiction of the committee or  
 580 electioneering communications organization;

581 (d) The name, mailing address, street address, and  
 582 position of the custodian of books and accounts;

583 (e) The name, mailing address, street address, and  
 584 position of other principal officers, including the treasurer  
 585 and deputy treasurer ~~including officers and members of the~~  
 586 ~~finance committee,~~ if any;

587 (f) The name, address, office sought, and party  
 588 affiliation of:

- 589 1. Each candidate whom the committee is supporting;
- 590 2. Any other individual, if any, whom the committee is
- 591 supporting for nomination for election, or election, to any
- 592 public office whatever;
- 593 (g) Any issue or issues the committee ~~such organization~~ is
- 594 supporting or opposing;
- 595 (h) If the committee is supporting the entire ticket of
- 596 any party, a statement to that effect and the name of the party;
- 597 (i) A statement of whether the committee is a continuing
- 598 one;
- 599 (j) Plans for the disposition of residual funds which will
- 600 be made in the event of dissolution;
- 601 (k) A listing of all banks, safe-deposit boxes, or other
- 602 depositories used for committee or electioneering communications
- 603 organization funds; ~~and~~
- 604 (l) A statement of the reports required to be filed by the
- 605 committee or the electioneering communications organization with
- 606 federal officials, if any, and the names, addresses, and
- 607 positions of such officials; and
- 608 (m) A statement of whether the electioneering
- 609 communications organization was formed as a newly created
- 610 organization during the current calendar quarter or was formed
- 611 from an organization existing prior to the current calendar
- 612 quarter. For purposes of this subsection, calendar quarters end
- 613 the last day of March, June, September, and December.
- 614 (4) Any change in information previously submitted in a
- 615 statement of organization shall be reported to the agency or
- 616 officer with whom such committee or electioneering

617 communications organization is required to register ~~pursuant to~~  
 618 ~~subsection (3)~~, within 10 days following the change.

619 (7) The Division of Elections shall adopt ~~promulgate~~ rules  
 620 to prescribe the manner in which ~~inactive~~ committees and  
 621 electioneering communications organizations may be dissolved and  
 622 have their registration canceled. Such rules shall, at a  
 623 minimum, provide for:

624 (a) Notice which shall contain the facts and conduct which  
 625 warrant the intended action, including but not limited to  
 626 failure to file reports and limited activity.

627 (b) Adequate opportunity to respond.

628 (c) Appeal of the decision to the Florida Elections  
 629 Commission. Such appeals shall be exempt from the  
 630 confidentiality provisions of s. 106.25.

631 Section 9. Paragraph (c) of subsection (4) of section  
 632 106.04, Florida Statutes, is amended, and subsection (5) of that  
 633 section is reenacted, to read:

634 106.04 Committees of continuous existence.—

635 (4)

636 (c) All committees of continuous existence shall file  
 637 their reports with the Division of Elections. Reports shall be  
 638 filed in accordance with s. 106.0705 and shall contain the  
 639 following information:

640 1. The full name, address, and occupation of each person  
 641 who has made one or more contributions, including contributions  
 642 that represent the payment of membership dues, to the committee  
 643 during the reporting period, together with the amounts and dates  
 644 of such contributions. For corporations, the report must provide

645 as clear a description as practicable of the principal type of  
646 business conducted by the corporation. However, if the  
647 contribution is \$100 or less, the occupation of the contributor  
648 or principal type of business need not be listed. However, for  
649 any contributions that represent the payment of dues by members  
650 in a fixed amount aggregating no more than \$250 per calendar  
651 year, pursuant to the schedule on file with the Division of  
652 Elections, only the aggregate amount of such contributions need  
653 be listed, together with the number of members paying such dues  
654 and the amount of the membership dues.

655 2. The name and address of each political committee or  
656 committee of continuous existence from which the reporting  
657 committee received, or the name and address of each political  
658 committee, committee of continuous existence, affiliated party  
659 committee, or political party to which it made, any transfer of  
660 funds, together with the amounts and dates of all transfers.

661 3. Any other receipt of funds not listed pursuant to  
662 subparagraph 1. or subparagraph 2., including the sources and  
663 amounts of all such funds.

664 4. The name and address of, and office sought by, each  
665 candidate to whom the committee has made a contribution during  
666 the reporting period, together with the amount and date of each  
667 contribution.

668 5. The full name and address of each person to whom  
669 expenditures have been made by or on behalf of the committee  
670 within the reporting period; the amount, date, and purpose of  
671 each such expenditure; and the name and address, and office  
672 sought by, each candidate on whose behalf such expenditure was



673 made.

674         6. The full name and address of each person to whom an  
675 expenditure for personal services, salary, or reimbursement for  
676 authorized expenses has been made, including the full name and  
677 address of each entity to whom the person made payment for which  
678 reimbursement was made by check drawn upon the committee  
679 account, together with the amount and purpose of such payment.

680         7. Transaction information from each credit card statement  
681 that will be included in the next report following receipt  
682 thereof by the committee. Receipts for each credit card purchase  
683 shall be retained by the treasurer with the records for the  
684 committee account.

685         8. The total sum of expenditures made by the committee  
686 during the reporting period.

687         (5) No committee of continuous existence shall make an  
688 electioneering communication, contribute to any candidate or  
689 political committee an amount in excess of the limits contained  
690 in s. 106.08(1), or participate in any activity which is  
691 prohibited by this chapter. If any violation occurs, it shall be  
692 punishable as provided in this chapter for the given offense. No  
693 funds of a committee of continuous existence shall be expended  
694 on behalf of a candidate, except by means of a contribution made  
695 through the duly appointed campaign treasurer of a candidate. No  
696 such committee shall make expenditures in support of, or in  
697 opposition to, an issue unless such committee first registers as  
698 a political committee pursuant to this chapter and undertakes  
699 all the practices and procedures required thereof; provided such  
700 committee may make contributions in a total amount not to exceed

CS/CS/HB 1207

2010

701 25 percent of its aggregate income, as reflected in the annual  
 702 report filed for the previous year, to one or more political  
 703 committees registered pursuant to s. 106.03 and formed to  
 704 support or oppose issues.

705 Section 10. Subsection (5) of section 106.0701, Florida  
 706 Statutes, is amended to read:

707 106.0701 Solicitation of contributions on behalf of s. 527  
 708 or s. 501(c)(4) organizations; reporting requirements; civil  
 709 penalty; exemption.—

710 (5) The filing requirements of subsection (1) do not apply  
 711 to an individual acting on behalf of his or her own campaign, ~~or~~  
 712 a political party, or an affiliated party committee of which the  
 713 individual is a member.

714 Section 11. Section 106.0703, Florida Statutes, is  
 715 reenacted and amended to read:

716 106.0703 Electioneering communications organizations;  
 717 ~~additional~~ reporting requirements; certification and filing;  
 718 penalties.—

719 (1) (a) Each electioneering communications organization  
 720 shall file regular reports of all contributions received and all  
 721 expenditures made by or on behalf of the organization. Reports  
 722 shall be filed on the 10th day following the end of each  
 723 calendar quarter from the time the organization is registered.  
 724 However, if the 10th day following the end of a calendar quarter  
 725 occurs on a Saturday, Sunday, or legal holiday, the report shall  
 726 be filed on the next following day that is not a Saturday,  
 727 Sunday, or legal holiday. Quarterly reports shall include all  
 728 contributions received and expenditures made during the calendar

729 quarter that have not otherwise been reported pursuant to this  
730 section.

731 (b) Following the last day of candidates qualifying for  
732 office, the reports shall be filed on the 32nd, 18th, and 4th  
733 days immediately preceding the primary election and on the 46th,  
734 32nd, 18th, and 4th days immediately preceding the general  
735 election.

736 (c) When a special election is called to fill a vacancy in  
737 office, all electioneering communications organizations making  
738 contributions or expenditures to influence the results of the  
739 special election shall file reports with the filing officer on  
740 the dates set by the Department of State pursuant to s. 100.111.

741 (d) In addition to the reports required by paragraph (a),  
742 an electioneering communications organization that is registered  
743 with the Department of State and that makes a contribution or  
744 expenditure to influence the results of a county or municipal  
745 election that is not being held at the same time as a state or  
746 federal election must file reports with the county or municipal  
747 filing officer on the same dates as county or municipal  
748 candidates or committees for that election. The electioneering  
749 communications organization must also include the expenditure in  
750 the next report filed with the Division of Elections pursuant to  
751 this section following the county or municipal election.

752 (e) The filing officer shall make available to each  
753 electioneering communications organization a schedule  
754 designating the beginning and end of reporting periods as well  
755 as the corresponding designated due dates.

756       (2) (a) Except as provided in s. 106.0705, the reports  
757 required of an electioneering communications organization shall  
758 be filed with the filing officer not later than 5 p.m. of the  
759 day designated. However, any report postmarked by the United  
760 States Postal Service no later than midnight of the day  
761 designated shall be deemed to have been filed in a timely  
762 manner. Any report received by the filing officer within 5 days  
763 after the designated due date that was delivered by the United  
764 States Postal Service shall be deemed timely filed unless it has  
765 a postmark that indicates that the report was mailed after the  
766 designated due date. A certificate of mailing obtained from and  
767 dated by the United States Postal Service at the time of  
768 mailing, or a receipt from an established courier company, which  
769 bears a date on or before the date on which the report is due,  
770 shall be proof of mailing in a timely manner. Reports shall  
771 contain information of all previously unreported contributions  
772 received and expenditures made as of the preceding Friday,  
773 except that the report filed on the Friday immediately preceding  
774 the election shall contain information of all previously  
775 unreported contributions received and expenditures made as of  
776 the day preceding the designated due date. All such reports  
777 shall be open to public inspection.

778       (b)1. Any report that is deemed to be incomplete by the  
779 officer with whom the electioneering communications organization  
780 files shall be accepted on a conditional basis. The treasurer of  
781 the electioneering communications organization shall be  
782 notified, by certified mail or other common carrier that can  
783 establish proof of delivery for the notice, as to why the report

784 is incomplete. Within 7 days after receipt of such notice, the  
785 treasurer must file an addendum to the report providing all  
786 information necessary to complete the report in compliance with  
787 this section. Failure to file a complete report after such  
788 notice constitutes a violation of this chapter.

789 2. Notice is deemed sufficient upon proof of delivery of  
790 written notice to the mailing or street address of the treasurer  
791 or registered agent of the electioneering communication  
792 organization on record with the filing officer.

793 (3) (a) Each report required by this section must contain:

794 1. The full name, address, and occupation, if any, of each  
795 person who has made one or more contributions to or for such  
796 electioneering communications organization within the reporting  
797 period, together with the amount and date of such contributions.  
798 For corporations, the report must provide as clear a description  
799 as practicable of the principal type of business conducted by  
800 the corporation. However, if the contribution is \$100 or less,  
801 the occupation of the contributor or the principal type of  
802 business need not be listed.

803 2. The name and address of each political committee from  
804 which or to which the reporting electioneering communications  
805 organization made any transfer of funds, together with the  
806 amounts and dates of all transfers.

807 3. Each loan for electioneering communication purposes to  
808 or from any person or political committee within the reporting  
809 period, together with the full names, addresses, and occupations  
810 and principal places of business, if any, of the lender and  
811 endorsers, if any, and the date and amount of such loans.

812 4. A statement of each contribution, rebate, refund, or  
813 other receipt not otherwise listed under subparagraphs 1.-3.

814 5. The total sums of all loans, in-kind contributions, and  
815 other receipts by or for such electioneering communications  
816 organization during the reporting period. The reporting forms  
817 shall be designed to elicit separate totals for in-kind  
818 contributions, loans, and other receipts.

819 6. The full name and address of each person to whom  
820 expenditures have been made by or on behalf of the  
821 electioneering communications organization within the reporting  
822 period and the amount, date, and purpose of each expenditure.

823 7. The full name and address of each person to whom an  
824 expenditure for personal services, salary, or reimbursement for  
825 expenses has been made and that is not otherwise reported,  
826 including the amount, date, and purpose of the expenditure.

827 8. The total sum of expenditures made by the  
828 electioneering communications organization during the reporting  
829 period.

830 9. The amount and nature of debts and obligations owed by  
831 or to the electioneering communications organization that relate  
832 to the conduct of any electioneering communication.

833 10. Transaction information for each credit card purchase.  
834 Receipts for each credit card purchase shall be retained by the  
835 electioneering communications organization.

836 11. The amount and nature of any separate interest-bearing  
837 accounts or certificates of deposit and identification of the  
838 financial institution in which such accounts or certificates of  
839 deposit are located.

840       12. The primary purposes of an expenditure made indirectly  
841 through an electioneering communications organization for goods  
842 and services, such as communications media placement or  
843 procurement services and other expenditures that include  
844 multiple components as part of the expenditure. The primary  
845 purpose of an expenditure shall be that purpose, including  
846 integral and directly related components, that comprises 80  
847 percent of such expenditure.

848       (b) The filing officer shall make available to any  
849 electioneering communications organization a reporting form  
850 which the electioneering communications organization may use to  
851 indicate contributions received by the electioneering  
852 communications organization but returned to the contributor  
853 before deposit.

854       (4) The treasurer of the electioneering communications  
855 organization shall certify as to the correctness of each report,  
856 and each person so certifying shall bear the responsibility for  
857 the accuracy and veracity of each report. Any treasurer who  
858 willfully certifies the correctness of any report while knowing  
859 that such report is incorrect, false, or incomplete commits a  
860 misdemeanor of the first degree, punishable as provided in s.  
861 775.082 or s. 775.083.

862       (5) The electioneering communications organization  
863 depository shall provide statements reflecting deposits and  
864 expenditures from the account to the treasurer, who shall retain  
865 the records pursuant to s. 106.06. The records maintained by the  
866 depository with respect to the account shall be subject to  
867 inspection by an agent of the Division of Elections or the

868 Florida Elections Commission at any time during normal banking  
 869 hours, and such depository shall furnish certified copies of any  
 870 such records to the Division of Elections or the Florida  
 871 Elections Commission upon request.

872 (6) Notwithstanding any other provisions of this chapter,  
 873 in any reporting period during which an electioneering  
 874 communications organization has not received funds, made any  
 875 contributions, or expended any reportable funds, the treasurer  
 876 shall file a written report with the filing officer by the  
 877 prescribed reporting date that no reportable contributions or  
 878 expenditures were made during the reporting period.

879 (7) (a) Any electioneering communications organization  
 880 failing to file a report on the designated due date shall be  
 881 subject to a fine as provided in paragraph (b) for each late  
 882 day. The fine shall be assessed by the filing officer and the  
 883 moneys collected shall be deposited:

884 1. In the General Revenue Fund, in the case of an  
 885 electioneering communications organization that registers with  
 886 the Division of Elections; or

887 2. In the general revenue fund of the political  
 888 subdivision, in the case of an electioneering communications  
 889 organization that registers with an officer of a political  
 890 subdivision.

891  
 892 No separate fine shall be assessed for failure to file a copy of  
 893 any report required by this section.

894 (b) Upon determining that a report is late, the filing  
 895 officer shall immediately notify the electioneering



896 communications organization as to the failure to file a report  
 897 by the designated due date and that a fine is being assessed for  
 898 each late day. The fine shall be \$50 per day for the first 3  
 899 days late and, thereafter, \$500 per day for each late day, not  
 900 to exceed 25 percent of the total receipts or expenditures,  
 901 whichever is greater, for the period covered by the late report.  
 902 However, for the reports immediately preceding each primary and  
 903 general election, the fine shall be \$500 per day for each late  
 904 day, not to exceed 25 percent of the total receipts or  
 905 expenditures, whichever is greater, for the period covered by  
 906 the late report. Upon receipt of the report, the filing officer  
 907 shall determine the amount of the fine which is due and shall  
 908 notify the electioneering communications organization. The  
 909 filing officer shall determine the amount of the fine due based  
 910 upon the earliest of the following:

- 911 1. When the report is actually received by such officer.
- 912 2. When the report is postmarked.
- 913 3. When the certificate of mailing is dated.
- 914 4. When the receipt from an established courier company is  
 915 dated.
- 916 5. When the electronic receipt issued pursuant to s.  
 917 106.0705 or other electronic filing system authorized in this  
 918 section is dated.

919  
 920 Such fine shall be paid to the filing officer within 20 days  
 921 after receipt of the notice of payment due, unless appeal is  
 922 made to the Florida Elections Commission pursuant to paragraph  
 923 (c). Notice is deemed sufficient upon proof of delivery of

CS/CS/HB 1207

2010

924 written notice to the mailing or street address on record with  
925 the filing officer. An officer or member of an electioneering  
926 communications organization shall not be personally liable for  
927 such fine.

928 (c) The treasurer of an electioneering communications  
929 organization may appeal or dispute the fine, based upon, but not  
930 limited to, unusual circumstances surrounding the failure to  
931 file on the designated due date, and may request and shall be  
932 entitled to a hearing before the Florida Elections Commission,  
933 which shall have the authority to waive the fine in whole or in  
934 part. The Florida Elections Commission must consider the  
935 mitigating and aggravating circumstances contained in s.  
936 106.265(1) when determining the amount of a fine, if any, to be  
937 waived. Any such request shall be made within 20 days after  
938 receipt of the notice of payment due. In such case, the  
939 treasurer of the electioneering communications organization  
940 shall, within the 20-day period, notify the filing officer in  
941 writing of his or her intention to bring the matter before the  
942 commission.

943 (d) The appropriate filing officer shall notify the  
944 Florida Elections Commission of the repeated late filing by an  
945 electioneering communications organization, the failure of an  
946 electioneering communications organization to file a report  
947 after notice, or the failure to pay the fine imposed. The  
948 commission shall investigate only those alleged late filing  
949 violations specifically identified by the filing officer and as  
950 set forth in the notification. Any other alleged violations must

951 be stated separately and reported by the division to the  
 952 commission under s. 106.25(2).

953 (8) ~~In addition to the reporting requirements in s.~~  
 954 ~~106.07,~~ An electioneering communications organization shall,  
 955 within 2 days after receiving its initial password or secure  
 956 sign-on from the Department of State allowing confidential  
 957 access to the department's electronic campaign finance filing  
 958 system, electronically file the periodic ~~campaign finance~~  
 959 reports that would have been required pursuant to this section  
 960 ~~s. 106.07~~ for reportable activities that occurred since the date  
 961 of the last general election.

962 Section 12. Paragraph (b) of subsection (2) of section  
 963 106.0705, Florida Statutes, is reenacted and amended, and  
 964 subsections (3) and (4) of that section are amended, to read:

965 106.0705 Electronic filing of campaign treasurer's  
 966 reports.-

967 (2)

968 (b) Each political committee, committee of continuous  
 969 existence, electioneering communications organization,  
 970 affiliated party committee, or state executive committee that is  
 971 required to file reports with the division under s. 106.04, s.  
 972 106.07, s. 106.0703, or s. 106.29, as applicable, must file such  
 973 reports with the division by means of the division's electronic  
 974 filing system.

975 (3) Reports filed pursuant to this section shall be  
 976 completed and filed through the electronic filing system not  
 977 later than midnight of the day designated. Reports not filed by  
 978 midnight of the day designated are late filed and are subject to

979 the penalties under s. 106.04(8), s. 106.07(8), s. 106.0703(7),  
 980 or s. 106.29(3), as applicable.

981 (4) Each report filed pursuant to this section is  
 982 considered to be under oath by the candidate and treasurer, ~~or~~  
 983 the chair and treasurer, the treasurer under s. 106.0703, or the  
 984 leader and treasurer under s. 103.092, whichever is applicable,  
 985 and such persons are subject to the provisions of s.  
 986 106.04(4)(d), s. 106.07(5), s. 106.0703(4), or s. 106.29(2), as  
 987 applicable. Persons given a secure sign-on to the electronic  
 988 filing system are responsible for protecting such from  
 989 disclosure and are responsible for all filings using such  
 990 credentials, unless they have notified the division that their  
 991 credentials have been compromised.

992 Section 13. Subsection (1) of section 106.071, Florida  
 993 Statutes, is reenacted and amended to read:

994 106.071 Independent expenditures; electioneering  
 995 communications; reports; disclaimers.—

996 (1) Each person who makes an independent expenditure with  
 997 respect to any candidate or issue, and each individual who makes  
 998 an expenditure for an electioneering communication which is not  
 999 otherwise reported pursuant to this chapter, which expenditure,  
 1000 in the aggregate, is in the amount of \$5,000 ~~\$100~~ or more, shall  
 1001 file periodic reports of such expenditures in the same manner,  
 1002 at the same time, subject to the same penalties, and with the  
 1003 same officer as a political committee supporting or opposing  
 1004 such candidate or issue. The report shall contain the full name  
 1005 and address of the person making the expenditure; the full name  
 1006 and address of each person to whom and for whom each such

1007 expenditure has been made; the amount, date, and purpose of each  
 1008 such expenditure; a description of the services or goods  
 1009 obtained by each such expenditure; the issue to which the  
 1010 expenditure relates; and the name and address of, and office  
 1011 sought by, each candidate on whose behalf such expenditure was  
 1012 made.

1013 Section 14. Subsections (1) , (2), (4), (5), and (6) of  
 1014 section 106.08, Florida Statutes, are amended, and subsection  
 1015 (7) of that section is reenacted and amended, to read:

1016 106.08 Contributions; limitations on.—

1017 (1) (a) Except for political parties or affiliated party  
 1018 committees, no person, political committee, or committee of  
 1019 continuous existence may, in any election, make contributions in  
 1020 excess of \$500 to any candidate for election to or retention in  
 1021 office or to any political committee supporting or opposing one  
 1022 or more candidates. Candidates for the offices of Governor and  
 1023 Lieutenant Governor on the same ticket are considered a single  
 1024 candidate for the purpose of this section.

1025 (b)1. The contribution limits provided in this subsection  
 1026 do not apply to contributions made by a state or county  
 1027 executive committee of a political party or affiliated party  
 1028 committee regulated by chapter 103 or to amounts contributed by  
 1029 a candidate to his or her own campaign.

1030 2. Notwithstanding the limits provided in this subsection,  
 1031 an unemancipated child under the age of 18 years of age may not  
 1032 make a contribution in excess of \$100 to any candidate or to any  
 1033 political committee supporting one or more candidates.

1034 (c) The contribution limits of this subsection apply to

CS/CS/HB 1207

2010

1035 each election. For purposes of this subsection, the primary  
 1036 election and general election are separate elections so long as  
 1037 the candidate is not an unopposed candidate as defined in s.  
 1038 106.011(15). However, for the purpose of contribution limits  
 1039 with respect to candidates for retention as a justice or judge,  
 1040 there is only one election, which is the general election.

1041 (2) (a) A candidate may not accept contributions from  
 1042 national, state, or ~~including any subordinate committee of a~~  
 1043 ~~national, state, or county committee of a political party, and~~  
 1044 county executive committees of a political party, including any  
 1045 subordinate committee of such political party or affiliated  
 1046 party committees, which contributions in the aggregate exceed  
 1047 \$50,000, ~~no more than \$25,000 of which may be accepted prior to~~  
 1048 ~~the 28-day period immediately preceding the date of the general~~  
 1049 election.

1050 (b) A candidate for statewide office may not accept  
 1051 contributions from national, state, or county executive  
 1052 committees of a political party, including any subordinate  
 1053 committee of the ~~a national, state, or county committee of a~~  
 1054 political party, or affiliated party committees, which  
 1055 contributions in the aggregate exceed \$250,000, ~~no more than~~  
 1056 ~~\$125,000 of which may be accepted prior to the 28-day period~~  
 1057 ~~immediately preceding the date of the general election.~~ Polling  
 1058 services, research services, costs for campaign staff,  
 1059 professional consulting services, and telephone calls are not  
 1060 contributions to be counted toward the contribution limits of  
 1061 paragraph (a) or this paragraph. Any item not expressly  
 1062 identified in this paragraph as nonallocable is a contribution

CS/CS/HB 1207

2010

1063 in an amount equal to the fair market value of the item and must  
 1064 be counted as allocable toward the contribution limits of  
 1065 paragraph (a) or this paragraph. Nonallocable, in-kind  
 1066 contributions must be reported by the candidate under s. 106.07  
 1067 and by the political party or affiliated party committee under  
 1068 s. 106.29.

1069 (4) ~~(a)~~ Any contribution received by the chair, campaign  
 1070 treasurer, or deputy campaign treasurer of a political committee  
 1071 supporting or opposing a candidate with opposition in an  
 1072 election or supporting or opposing an issue on the ballot in an  
 1073 election on the day of that election or less than 5 days prior  
 1074 to the day of that election may not be obligated or expended by  
 1075 the committee until after the date of the election.

1076 ~~(b) Any contribution received by an electioneering~~  
 1077 ~~communications organization on the day of an election or less~~  
 1078 ~~than 5 days prior to the day of that election may not be~~  
 1079 ~~obligated or expended by the organization until after the date~~  
 1080 ~~of the election and may not be expended to pay for any~~  
 1081 ~~obligation arising prior to the election.~~

1082 (5) (a) A person may not make any contribution through or  
 1083 in the name of another, directly or indirectly, in any election.

1084 (b) Candidates, political committees, affiliated party  
 1085 committees, and political parties may not solicit contributions  
 1086 from any religious, charitable, civic, or other causes or  
 1087 organizations established primarily for the public good.

1088 (c) Candidates, political committees, affiliated party  
 1089 committees, and political parties may not make contributions, in  
 1090 exchange for political support, to any religious, charitable,

CS/CS/HB 1207

2010

1091 civic, or other cause or organization established primarily for  
 1092 the public good. It is not a violation of this paragraph for:

1093 1. A candidate, political committee, affiliated party  
 1094 committee, or political party executive committee to make gifts  
 1095 of money in lieu of flowers in memory of a deceased person;

1096 2. A candidate to continue membership in, or make regular  
 1097 donations from personal or business funds to, religious,  
 1098 political party, affiliated party committee, civic, or  
 1099 charitable groups of which the candidate is a member or to which  
 1100 the candidate has been a regular donor for more than 6 months;  
 1101 or

1102 3. A candidate to purchase, with campaign funds, tickets,  
 1103 admission to events, or advertisements from religious, civic,  
 1104 political party, affiliated party committee, or charitable  
 1105 groups.

1106 ~~(d) An electioneering communications organization may not~~  
 1107 ~~accept a contribution from an organization exempt from taxation~~  
 1108 ~~under s. 527 or s. 501(c)(4) of the Internal Revenue Code, other~~  
 1109 ~~than a political committee, committee of continuous existence,~~  
 1110 ~~or political party, unless the contributing organization has~~  
 1111 ~~registered as if the organization were an electioneering~~  
 1112 ~~communications organization pursuant to s. 106.03 and has filed~~  
 1113 ~~all campaign finance reports required of electioneering~~  
 1114 ~~communications organizations pursuant to ss. 106.07 and~~  
 1115 ~~106.0703.~~

1116 (6) (a) A political party or affiliated party committee may  
 1117 not accept any contribution that has been specifically  
 1118 designated for the partial or exclusive use of a particular



CS/CS/HB 1207

2010

1119 candidate. Any contribution so designated must be returned to  
1120 the contributor and may not be used or expended by or on behalf  
1121 of the candidate. Funds contributed to an affiliated party  
1122 committee shall not be deemed as designated for the partial or  
1123 exclusive use of a leader as defined in s. 103.092.

1124 (b)1. A political party or affiliated party committee may  
1125 not accept any in-kind contribution that fails to provide a  
1126 direct benefit to the political party or affiliated party  
1127 committee. A "direct benefit" includes, but is not limited to,  
1128 fundraising or furthering the objectives of the political party  
1129 or affiliated party committee.

1130 2.a. An in-kind contribution to a state political party  
1131 may be accepted only by the chairperson of the state political  
1132 party or by the chairperson's designee or designees whose names  
1133 are on file with the division in a form acceptable to the  
1134 division prior to the date of the written notice required in  
1135 sub-subparagraph b. An in-kind contribution to a county  
1136 political party may be accepted only by the chairperson of the  
1137 county political party or by the county chairperson's designee  
1138 or designees whose names are on file with the supervisor of  
1139 elections of the respective county prior to the date of the  
1140 written notice required in sub-subparagraph b. An in-kind  
1141 contribution to an affiliated party committee may be accepted  
1142 only by the leader of the affiliated party committee as defined  
1143 in s. 103.092 or by the leader's designee or designees whose  
1144 names are on file with the division in a form acceptable to the  
1145 division prior to the date of the written notice required in  
1146 sub-subparagraph b.

1147           b. A person making an in-kind contribution to a state  
1148 ~~political party~~ or county political party or affiliated party  
1149 committee must provide prior written notice of the contribution  
1150 to a person described in sub-subparagraph a. The prior written  
1151 notice must be signed and dated and may be provided by an  
1152 electronic or facsimile message. However, prior written notice  
1153 is not required for an in-kind contribution that consists of  
1154 food and beverage in an aggregate amount not exceeding \$1,500  
1155 which is consumed at a single sitting or event if such in-kind  
1156 contribution is accepted in advance by a person specified in  
1157 sub-subparagraph a.

1158           c. A person described in sub-subparagraph a. may accept an  
1159 in-kind contribution requiring prior written notice only in a  
1160 writing that is signed and dated before the in-kind contribution  
1161 is made. Failure to obtain the required written acceptance of an  
1162 in-kind contribution to a state or county political party or  
1163 affiliated party committee constitutes a refusal of the  
1164 contribution.

1165           d. A copy of each prior written acceptance required under  
1166 sub-subparagraph c. must be filed with the division at the time  
1167 the regular reports of contributions and expenditures required  
1168 under s. 106.29 are filed by the state executive committee, ~~and~~  
1169 county executive committee, and affiliated party committee.

1170           e. An in-kind contribution may not be given to a state or  
1171 county political party or affiliated party committee unless the  
1172 in-kind contribution is made as provided in this subparagraph.

1173           (7) (a) Any person who knowingly and willfully makes or  
1174 accepts no more than one contribution in violation of subsection

1175 (1) or subsection (5), or any person who knowingly and willfully  
 1176 fails or refuses to return any contribution as required in  
 1177 subsection (3), commits a misdemeanor of the first degree,  
 1178 punishable as provided in s. 775.082 or s. 775.083. If any  
 1179 corporation, partnership, or other business entity or any  
 1180 political party, affiliated party committee, political  
 1181 committee, committee of continuous existence, or electioneering  
 1182 communications organization is convicted of knowingly and  
 1183 willfully violating any provision punishable under this  
 1184 paragraph, it shall be fined not less than \$1,000 and not more  
 1185 than \$10,000. If it is a domestic entity, it may be ordered  
 1186 dissolved by a court of competent jurisdiction; if it is a  
 1187 foreign or nonresident business entity, its right to do business  
 1188 in this state may be forfeited. Any officer, partner, agent,  
 1189 attorney, or other representative of a corporation, partnership,  
 1190 or other business entity, or of a political party, affiliated  
 1191 party committee, political committee, committee of continuous  
 1192 existence, electioneering communications organization, or  
 1193 organization exempt from taxation under s. 527 or s. 501(c)(4)  
 1194 of the Internal Revenue Code, who aids, abets, advises, or  
 1195 participates in a violation of any provision punishable under  
 1196 this paragraph commits a misdemeanor of the first degree,  
 1197 punishable as provided in s. 775.082 or s. 775.083.

1198 (b) Any person who knowingly and willfully makes or  
 1199 accepts two or more contributions in violation of subsection (1)  
 1200 or subsection (5) commits a felony of the third degree,  
 1201 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.  
 1202 If any corporation, partnership, or other business entity or any

CS/CS/HB 1207

2010

1203 political party, affiliated party committee, political  
 1204 committee, committee of continuous existence, or electioneering  
 1205 communications organization is convicted of knowingly and  
 1206 willfully violating any provision punishable under this  
 1207 paragraph, it shall be fined not less than \$10,000 and not more  
 1208 than \$50,000. If it is a domestic entity, it may be ordered  
 1209 dissolved by a court of competent jurisdiction; if it is a  
 1210 foreign or nonresident business entity, its right to do business  
 1211 in this state may be forfeited. Any officer, partner, agent,  
 1212 attorney, or other representative of a corporation, partnership,  
 1213 or other business entity, or of a political committee, committee  
 1214 of continuous existence, political party, affiliated party  
 1215 committee, or electioneering communications organization, or  
 1216 organization exempt from taxation under s. 527 or s. 501(c)(4)  
 1217 of the Internal Revenue Code, who aids, abets, advises, or  
 1218 participates in a violation of any provision punishable under  
 1219 this paragraph commits a felony of the third degree, punishable  
 1220 as provided in s. 775.082, s. 775.083, or s. 775.084.

1221 Section 15. Section 106.088, Florida Statutes, is created  
 1222 to read:

1223 106.088 Independent expenditures; contribution limits;  
 1224 restrictions on affiliated party committees.—

1225 (1) As a condition of receiving a rebate of party  
 1226 assessments under s. 103.121(1)(b), the leader or treasurer of  
 1227 an affiliated party committee as defined in s. 103.092 shall  
 1228 take and subscribe to an oath or affirmation in writing. During  
 1229 the qualifying period for state candidates and prior to  
 1230 distribution of such funds, a printed copy of the oath or

CS/CS/HB 1207

2010

1231 affirmation shall be filed with the Secretary of State and shall  
 1232 be substantially in the following form:

1234 State of Florida

1235 County of \_\_\_\_\_

1237 Before me, an officer authorized to administer oaths, personally  
 1238 appeared ...(name)..., to me well known, who, being sworn, says  
 1239 that he or she is the ...(title)... of the ...(name of  
 1240 party).....(name of chamber)... affiliated party committee;  
 1241 that the affiliated party committee has not made, either  
 1242 directly or indirectly, an independent expenditure in support of  
 1243 or opposition to a candidate or elected public official in the  
 1244 prior 6 months; that the affiliated party committee will not  
 1245 make, either directly or indirectly, an independent expenditure  
 1246 in support of or opposition to a candidate or elected public  
 1247 official, through and including the upcoming general election;  
 1248 and that the affiliated party committee will not violate the  
 1249 contribution limits applicable to candidates under s. 106.08(2),  
 1250 Florida Statutes.

1251 ...(Signature of committee officer)...

1252 ...(Address)...

1253 Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_,

1254 ...(year)..., at \_\_\_\_\_ County, Florida.

1255 ...(Signature and title of officer administering oath)...

1256 (2) (a) Any affiliated party committee found to have  
 1257 violated the provisions of the oath or affirmation prior to  
 1258 receiving funds shall be ineligible to receive the rebate for

1259 that general election year.

1260 (b) Any affiliated party committee found to have violated  
 1261 the provisions of the oath or affirmation after receiving funds  
 1262 shall be ineligible to receive the rebate from candidates  
 1263 qualifying for the following general election cycle.

1264 (3) Any funds not distributed to the affiliated party  
 1265 committee pursuant to this section shall be deposited into the  
 1266 General Revenue Fund of the state.

1267 Section 16. Section 106.113, Florida Statutes, is amended  
 1268 to read:

1269 106.113 Expenditures by local governments.—

1270 (1) As used in this section, the term:

1271 ~~(a)~~ "local government" means:

1272 (a)1. A county, municipality, school district, or other  
 1273 political subdivision in this state; and

1274 (b)2. Any department, agency, board, bureau, district,  
 1275 commission, authority, or similar body of a county,  
 1276 municipality, school district, or other political subdivision of  
 1277 this state.

1278 ~~(b) "Public funds" means all moneys under the jurisdiction~~  
 1279 ~~or control of the local government.~~

1280 (2) A local government or a person acting on behalf of  
 1281 local government may not make a specific appropriation or  
 1282 designated expenditure of moneys under the jurisdiction or  
 1283 control of the local government ~~expend or authorize the~~  
 1284 ~~expenditure of~~, and a person or group may not accept such  
 1285 moneys, public funds for the purpose of a political  
 1286 advertisement ~~or electioneering communication~~ concerning an

1287 issue, referendum, or amendment, including any state question,  
 1288 that is subject to a vote of the electors. ~~This subsection does~~  
 1289 ~~not apply to an electioneering communication from a local~~  
 1290 ~~government or a person acting on behalf of a local government~~  
 1291 ~~which is limited to factual information.~~

1292 (3) With the exception of the prohibitions specified in  
 1293 subsection (2), this section does not preclude an ~~elected~~  
 1294 official of the local government from expressing an opinion on  
 1295 any issue at any time.

1296 Section 17. Paragraph (a) of subsection (4) of section  
 1297 106.141, Florida Statutes, is amended to read:

1298 106.141 Disposition of surplus funds by candidates.—

1299 (4) (a) Except as provided in paragraph (b), any candidate  
 1300 required to dispose of funds pursuant to this section shall, at  
 1301 the option of the candidate, dispose of such funds by any of the  
 1302 following means, or any combination thereof:

1303 1. Return pro rata to each contributor the funds that have  
 1304 not been spent or obligated.

1305 2. Donate the funds that have not been spent or obligated  
 1306 to a charitable organization or organizations that meet the  
 1307 qualifications of s. 501(c)(3) of the Internal Revenue Code.

1308 3. Give not more than \$10,000 of the funds that have not  
 1309 been spent or obligated to the affiliated party committee or  
 1310 political party of which such candidate is a member, except that  
 1311 a candidate for the Florida Senate may give not more than  
 1312 \$30,000 of such funds to the affiliated party committee or  
 1313 political party of which the candidate is a member.

1314 4. Give the funds that have not been spent or obligated:

1315 a. In the case of a candidate for state office, to the  
 1316 state, to be deposited in either the Election Campaign Financing  
 1317 Trust Fund or the General Revenue Fund, as designated by the  
 1318 candidate; or

1319 b. In the case of a candidate for an office of a political  
 1320 subdivision, to such political subdivision, to be deposited in  
 1321 the general fund thereof.

1322 Section 18. Paragraph (a) of subsection (4) of section  
 1323 106.143, Florida Statutes, is amended to read:

1324 106.143 Political advertisements circulated prior to  
 1325 election; requirements.—

1326 (4)(a) Any political advertisement, including those paid  
 1327 for by a political party or affiliated party committee, other  
 1328 than an independent expenditure, offered by or on behalf of a  
 1329 candidate must be approved in advance by the candidate. Such  
 1330 political advertisement must expressly state that the content of  
 1331 the advertisement was approved by the candidate and must state  
 1332 who paid for the advertisement. The candidate shall provide a  
 1333 written statement of authorization to the newspaper, radio  
 1334 station, television station, or other medium for each such  
 1335 advertisement submitted for publication, display, broadcast, or  
 1336 other distribution.

1337 Section 19. Section 106.1437, Florida Statutes, is  
 1338 reenacted to read:

1339 106.1437 Miscellaneous advertisements.—Any advertisement,  
 1340 other than a political advertisement, independent expenditure,  
 1341 or electioneering communication, on billboards, bumper stickers,  
 1342 radio, or television, or in a newspaper, a magazine, or a



CS/CS/HB 1207

2010

1343 | periodical, intended to influence public policy or the vote of a  
 1344 | public official, shall clearly designate the sponsor of such  
 1345 | advertisement by including a clearly readable statement of  
 1346 | sponsorship. If the advertisement is broadcast on television,  
 1347 | the advertisement shall also contain a verbal statement of  
 1348 | sponsorship. This section shall not apply to an editorial  
 1349 | endorsement.

1350 |         Section 20. Section 106.1439, Florida Statutes, is  
 1351 | reenacted and amended to read:

1352 |             106.1439 Electioneering communications; disclaimers.-

1353 |             (1) Any electioneering communication, other than a  
 1354 | telephone call, shall prominently state: "Paid electioneering  
 1355 | communication paid for by ... (Name and address of person paying  
 1356 | for the communication)...."

1357 |             (2) Any electioneering communication telephone call shall  
 1358 | identify the persons or organizations sponsoring the call by  
 1359 | stating either: "Paid for by ... (insert name of persons or  
 1360 | organizations sponsoring the call)...." or "Paid for on behalf  
 1361 | of ... (insert name of persons or organizations authorizing  
 1362 | call)...." This subsection does not apply to any telephone call  
 1363 | in which the individual making the call is not being paid and  
 1364 | the individuals participating in the call know each other prior  
 1365 | to the call.

1366 |             (3) ~~(2)~~ Any person who fails to include the disclaimer  
 1367 | prescribed in this section in any electioneering communication  
 1368 | that is required to contain such disclaimer commits a  
 1369 | misdemeanor of the first degree, punishable as provided in s.  
 1370 | 775.082 or s. 775.083.

CS/CS/HB 1207

2010

1371 Section 21. Paragraphs (a) and (e) of subsection (1) and  
 1372 subsection (3) of section 106.147, Florida Statutes, are amended  
 1373 to read:

1374 106.147 Telephone solicitation; disclosure requirements;  
 1375 prohibitions; exemptions; penalties.—

1376 (1) (a) Any ~~electioneering communication telephone call or~~  
 1377 ~~any~~ telephone call supporting or opposing a candidate, elected  
 1378 public official, or ballot proposal must identify the persons or  
 1379 organizations sponsoring the call by stating either: "paid for  
 1380 by \_\_\_\_" (insert name of persons or organizations sponsoring  
 1381 the call) or "paid for on behalf of \_\_\_\_" (insert name of  
 1382 persons or organizations authorizing call). This paragraph does  
 1383 not apply to any telephone call in which both the individual  
 1384 making the call is not being paid and the individuals  
 1385 participating in the call know each other prior to the call.

1386 ~~(e) Any electioneering communication paid for with public~~  
 1387 ~~funds must include a disclaimer containing the words "paid for~~  
 1388 ~~by ... (Name of the government entity paying for the~~  
 1389 ~~communication)...."~~

1390 (3) (a) Any person who willfully violates any provision of  
 1391 this section commits a misdemeanor of the first degree,  
 1392 punishable as provided in s. 775.082 or s. 775.083.

1393 (b) For purposes of paragraph (a), the term "person"  
 1394 includes any candidate; any officer of any political committee,  
 1395 committee of continuous existence, affiliated party committee,  
 1396 or political party executive committee; any officer, partner,  
 1397 attorney, or other representative of a corporation, partnership,  
 1398 or other business entity; and any agent or other person acting

CS/CS/HB 1207

2010

1399 on behalf of any candidate, political committee, committee of  
 1400 continuous existence, affiliated party committee, political  
 1401 party executive committee, or corporation, partnership, or other  
 1402 business entity.

1403 Section 22. Section 106.165, Florida Statutes, is amended  
 1404 to read:

1405 106.165 Use of closed captioning and descriptive narrative  
 1406 in all television broadcasts.—Each candidate, political party,  
 1407 affiliated party committee, and political committee must use  
 1408 closed captioning and descriptive narrative in all television  
 1409 broadcasts regulated by the Federal Communications Commission  
 1410 that are on behalf of, or sponsored by, a candidate, political  
 1411 party, affiliated party committee, or political committee or  
 1412 must file a written statement with the qualifying officer  
 1413 setting forth the reasons for not doing so. Failure to file this  
 1414 statement with the appropriate qualifying officer constitutes a  
 1415 violation of the Florida Election Code and is under the  
 1416 jurisdiction of the Florida Elections Commission. The Department  
 1417 of State may adopt rules in accordance with s. 120.54 which are  
 1418 necessary to administer this section.

1419 Section 23. Section 106.17, Florida Statutes, is reenacted  
 1420 and amended to read:

1421 106.17 Polls and surveys relating to candidacies.—Any  
 1422 candidate, political committee, committee of continuous  
 1423 existence, electioneering communication organization, affiliated  
 1424 party committee, or state or county executive committee of a  
 1425 political party may authorize or conduct a political poll,  
 1426 survey, index, or measurement of any kind relating to candidacy

CS/CS/HB 1207

2010

1427 for public office so long as the candidate, political committee,  
 1428 committee of continuous existence, electioneering communication  
 1429 organization, affiliated party committee, or political party  
 1430 maintains complete jurisdiction over the poll in all its  
 1431 aspects.

1432 Section 24. Subsection (2) of section 106.23, Florida  
 1433 Statutes, is amended to read:

1434 106.23 Powers of the Division of Elections.—

1435 (2) The Division of Elections shall provide advisory  
 1436 opinions when requested by any supervisor of elections,  
 1437 candidate, local officer having election-related duties,  
 1438 political party, affiliated party committee, political  
 1439 committee, committee of continuous existence, or other person or  
 1440 organization engaged in political activity, relating to any  
 1441 provisions or possible violations of Florida election laws with  
 1442 respect to actions such supervisor, candidate, local officer  
 1443 having election-related duties, political party, affiliated  
 1444 party committee, committee, person, or organization has taken or  
 1445 proposes to take. Requests for advisory opinions must be  
 1446 submitted in accordance with rules adopted by the Department of  
 1447 State. A written record of all such opinions issued by the  
 1448 division, sequentially numbered, dated, and indexed by subject  
 1449 matter, shall be retained. A copy shall be sent to said person  
 1450 or organization upon request. Any such person or organization,  
 1451 acting in good faith upon such an advisory opinion, shall not be  
 1452 subject to any criminal penalty provided for in this chapter.  
 1453 The opinion, until amended or revoked, shall be binding on any  
 1454 person or organization who sought the opinion or with reference

CS/CS/HB 1207

2010

1455 to whom the opinion was sought, unless material facts were  
1456 omitted or misstated in the request for the advisory opinion.

1457 Section 25. Subsections (1) and (2) of section 106.265,  
1458 Florida Statutes, are amended to read:

1459 106.265 Civil penalties.—

1460 (1) The commission is authorized upon the finding of a  
1461 violation of this chapter or chapter 104 to impose civil  
1462 penalties in the form of fines not to exceed \$1,000 per count.  
1463 In determining the amount of such civil penalties, the  
1464 commission shall consider, among other mitigating and  
1465 aggravating circumstances:

1466 (a) The gravity of the act or omission;

1467 (b) Any previous history of similar acts or omissions;

1468 (c) The appropriateness of such penalty to the financial  
1469 resources of the person, political committee, committee of  
1470 continuous existence, affiliated party committee, or political  
1471 party; and

1472 (d) Whether the person, political committee, committee of  
1473 continuous existence, affiliated party committee, or political  
1474 party has shown good faith in attempting to comply with the  
1475 provisions of this chapter or chapter 104.

1476 (2) If any person, political committee, committee of  
1477 continuous existence, affiliated party committee, or political  
1478 party fails or refuses to pay to the commission any civil  
1479 penalties assessed pursuant to the provisions of this section,  
1480 the commission shall be responsible for collecting the civil  
1481 penalties resulting from such action.

CS/CS/HB 1207

2010

1482 Section 26. Subsection (2) of section 106.27, Florida  
 1483 Statutes, is amended to read:

1484 106.27 Determinations by commission; legal disposition.—

1485 (2) Civil actions may be brought by the commission for  
 1486 relief, including permanent or temporary injunctions,  
 1487 restraining orders, or any other appropriate order for the  
 1488 imposition of civil penalties provided by this chapter. Such  
 1489 civil actions shall be brought by the commission in the  
 1490 appropriate court of competent jurisdiction, and the venue shall  
 1491 be in the county in which the alleged violation occurred or in  
 1492 which the alleged violator or violators are found, reside, or  
 1493 transact business. Upon a proper showing that such person,  
 1494 political committee, committee of continuous existence,  
 1495 affiliated party committee, or political party has engaged, or  
 1496 is about to engage, in prohibited acts or practices, a permanent  
 1497 or temporary injunction, restraining order, or other order shall  
 1498 be granted without bond by such court, and the civil fines  
 1499 provided by this chapter may be imposed.

1500 Section 27. Section 106.29, Florida Statutes, is amended  
 1501 to read:

1502 106.29 Reports by political parties and affiliated party  
 1503 committees; restrictions on contributions and expenditures;  
 1504 penalties.—

1505 (1) The state executive committee and each county  
 1506 executive committee of each political party and any affiliated  
 1507 party committee regulated by chapter 103 shall file regular  
 1508 reports of all contributions received and all expenditures made  
 1509 by such committee. Such reports shall contain the same

CS/CS/HB 1207

2010

1510 information as do reports required of candidates by s. 106.07  
1511 and shall be filed on the 10th day following the end of each  
1512 calendar quarter, except that, during the period from the last  
1513 day for candidate qualifying until the general election, such  
1514 reports shall be filed on the Friday immediately preceding both  
1515 the primary election and the general election. In addition to  
1516 the reports filed under this section, the state executive  
1517 committee, ~~and~~ each county executive committee, and each  
1518 affiliated party committee shall file a copy of each prior  
1519 written acceptance of an in-kind contribution given by the  
1520 committee during the preceding calendar quarter as required  
1521 under s. 106.08(6). Each state executive committee and  
1522 affiliated party committee shall file the original and one copy  
1523 of its reports with the Division of Elections. Each county  
1524 executive committee shall file its reports with the supervisor  
1525 of elections in the county in which such committee exists. Any  
1526 state or county executive committee or affiliated party  
1527 committee failing to file a report on the designated due date  
1528 shall be subject to a fine as provided in subsection (3). No  
1529 separate fine shall be assessed for failure to file a copy of  
1530 any report required by this section.

1531 (2) The chair and treasurer of each state or county  
1532 executive committee shall certify as to the correctness of each  
1533 report filed by them on behalf of such committee. The leader and  
1534 treasurer of each affiliated party committee under s. 103.092  
1535 shall certify as to the correctness of each report filed by them  
1536 on behalf of such committee. Any committee chair, leader, or  
1537 treasurer who certifies the correctness of any report while

CS/CS/HB 1207

2010

1538 knowing that such report is incorrect, false, or incomplete  
 1539 commits a felony of the third degree, punishable as provided in  
 1540 s. 775.082, s. 775.083, or s. 775.084.

1541 (3) (a) Any state or county executive committee or  
 1542 affiliated party committee failing to file a report on the  
 1543 designated due date shall be subject to a fine as provided in  
 1544 paragraph (b) for each late day. The fine shall be assessed by  
 1545 the filing officer, and the moneys collected shall be deposited  
 1546 in the General Revenue Fund.

1547 (b) Upon determining that a report is late, the filing  
 1548 officer shall immediately notify the chair of the executive  
 1549 committee or the leader of the affiliated party committee as  
 1550 defined in s. 103.092 as to the failure to file a report by the  
 1551 designated due date and that a fine is being assessed for each  
 1552 late day. The fine shall be \$1,000 for a state executive  
 1553 committee, \$1,000 for an affiliated party committee, and \$50 for  
 1554 a county executive committee, per day for each late day, not to  
 1555 exceed 25 percent of the total receipts or expenditures,  
 1556 whichever is greater, for the period covered by the late report.  
 1557 However, if an executive committee or an affiliated party  
 1558 committee fails to file a report on the Friday immediately  
 1559 preceding the general election, the fine shall be \$10,000 per  
 1560 day for each day a state executive committee is late, \$10,000  
 1561 per day for each day an affiliated party committee is late, and  
 1562 \$500 per day for each day a county executive committee is late.  
 1563 Upon receipt of the report, the filing officer shall determine  
 1564 the amount of the fine which is due and shall notify the chair  
 1565 or leader as defined in s. 103.092. The filing officer shall



CS/CS/HB 1207

2010

1566 determine the amount of the fine due based upon the earliest of  
 1567 the following:

- 1568 1. When the report is actually received by such officer.
- 1569 2. When the report is postmarked.
- 1570 3. When the certificate of mailing is dated.
- 1571 4. When the receipt from an established courier company is  
 1572 dated.
- 1573 5. When the electronic receipt issued pursuant to s.  
 1574 106.0705 is dated.

1575  
 1576 Such fine shall be paid to the filing officer within 20 days  
 1577 after receipt of the notice of payment due, unless appeal is  
 1578 made to the Florida Elections Commission pursuant to paragraph  
 1579 (c). An officer or member of an executive committee shall not be  
 1580 personally liable for such fine.

1581 (c) The chair of an executive committee or the leader of  
 1582 an affiliated party committee as defined in s. 103.092 may  
 1583 appeal or dispute the fine, based upon unusual circumstances  
 1584 surrounding the failure to file on the designated due date, and  
 1585 may request and shall be entitled to a hearing before the  
 1586 Florida Elections Commission, which shall have the authority to  
 1587 waive the fine in whole or in part. Any such request shall be  
 1588 made within 20 days after receipt of the notice of payment due.  
 1589 In such case, the chair of the executive committee or the leader  
 1590 of the affiliated party committee as defined in s. 103.092  
 1591 shall, within the 20-day period, notify the filing officer in  
 1592 writing of his or her intention to bring the matter before the  
 1593 commission.

CS/CS/HB 1207

2010

1594 (d) The appropriate filing officer shall notify the  
1595 Florida Elections Commission of the repeated late filing by an  
1596 executive committee or affiliated party committee, the failure  
1597 of an executive committee or affiliated party committee to file  
1598 a report after notice, or the failure to pay the fine imposed.

1599 (4) Any contribution received by a state or county  
1600 executive committee or affiliated party committee less than 5  
1601 days before an election shall not be used or expended in behalf  
1602 of any candidate, issue, affiliated party committee, or  
1603 political party participating in such election.

1604 (5) No state or county executive committee or affiliated  
1605 party committee, in the furtherance of any candidate or  
1606 political party, directly or indirectly, shall give, pay, or  
1607 expend any money, give or pay anything of value, authorize any  
1608 expenditure, or become pecuniarily liable for any expenditure  
1609 prohibited by this chapter. However, the contribution of funds  
1610 by one executive committee to another or to established party  
1611 organizations for legitimate party or campaign purposes is not  
1612 prohibited, but all such contributions shall be recorded and  
1613 accounted for in the reports of the contributor and recipient.

1614 (6) (a) The national, state, and county executive  
1615 committees of a political party and affiliated party committees  
1616 may not contribute to any candidate any amount in excess of the  
1617 limits contained in s. 106.08(2), and all contributions required  
1618 to be reported under s. 106.08(2) by the national executive  
1619 committee of a political party shall be reported by the state  
1620 executive committee of that political party.

1621 (b) A violation of the contribution limits contained in s.

CS/CS/HB 1207

2010

1622 106.08(2) is a misdemeanor of the first degree, punishable as  
 1623 provided in s. 775.082 or s. 775.083. A civil penalty equal to  
 1624 three times the amount in excess of the limits contained in s.  
 1625 106.08(2) shall be assessed against any executive committee  
 1626 found in violation thereof.

1627 Section 28. Paragraph (d) of subsection (1) of section  
 1628 11.045, Florida Statutes, is amended to read:

1629 11.045 Lobbying before the Legislature; registration and  
 1630 reporting; exemptions; penalties.—

1631 (1) As used in this section, unless the context otherwise  
 1632 requires:

1633 (d) "Expenditure" means a payment, distribution, loan,  
 1634 advance, reimbursement, deposit, or anything of value made by a  
 1635 lobbyist or principal for the purpose of lobbying. The term  
 1636 "expenditure" does not include contributions or expenditures  
 1637 reported pursuant to chapter 106 or federal election law,  
 1638 campaign-related personal services provided without compensation  
 1639 by individuals volunteering their time, any other contribution  
 1640 or expenditure made by or to a political party or affiliated  
 1641 party committee, or any other contribution or expenditure made  
 1642 by an organization that is exempt from taxation under 26 U.S.C.  
 1643 s. 527 or s. 501(c)(4).

1644 Section 29. Paragraph (b) of subsection (12) of section  
 1645 112.312, Florida Statutes, is amended to read:

1646 112.312 Definitions.—As used in this part and for purposes  
 1647 of the provisions of s. 8, Art. II of the State Constitution,  
 1648 unless the context otherwise requires:

1649 (12)

- 1650 (b) "Gift" does not include:
- 1651 1. Salary, benefits, services, fees, commissions, gifts,  
1652 or expenses associated primarily with the donee's employment,  
1653 business, or service as an officer or director of a corporation  
1654 or organization.
- 1655 2. Contributions or expenditures reported pursuant to  
1656 chapter 106, campaign-related personal services provided without  
1657 compensation by individuals volunteering their time, or any  
1658 other contribution or expenditure by a political party or  
1659 affiliated party committee.
- 1660 3. An honorarium or an expense related to an honorarium  
1661 event paid to a person or the person's spouse.
- 1662 4. An award, plaque, certificate, or similar personalized  
1663 item given in recognition of the donee's public, civic,  
1664 charitable, or professional service.
- 1665 5. An honorary membership in a service or fraternal  
1666 organization presented merely as a courtesy by such  
1667 organization.
- 1668 6. The use of a public facility or public property, made  
1669 available by a governmental agency, for a public purpose.
- 1670 7. Transportation provided to a public officer or employee  
1671 by an agency in relation to officially approved governmental  
1672 business.
- 1673 8. Gifts provided directly or indirectly by a state,  
1674 regional, or national organization which promotes the exchange  
1675 of ideas between, or the professional development of,  
1676 governmental officials or employees, and whose membership is  
1677 primarily composed of elected or appointed public officials or

CS/CS/HB 1207

2010

1678 staff, to members of that organization or officials or staff of  
 1679 a governmental agency that is a member of that organization.

1680 Section 30. Paragraph (d) of subsection (1) of section  
 1681 112.3215, Florida Statutes, is amended to read:

1682 112.3215 Lobbying before the executive branch or the  
 1683 Constitution Revision Commission; registration and reporting;  
 1684 investigation by commission.—

1685 (1) For the purposes of this section:

1686 (d) "Expenditure" means a payment, distribution, loan,  
 1687 advance, reimbursement, deposit, or anything of value made by a  
 1688 lobbyist or principal for the purpose of lobbying. The term  
 1689 "expenditure" does not include contributions or expenditures  
 1690 reported pursuant to chapter 106 or federal election law,  
 1691 campaign-related personal services provided without compensation  
 1692 by individuals volunteering their time, any other contribution  
 1693 or expenditure made by or to a political party or an affiliated  
 1694 party committee, or any other contribution or expenditure made  
 1695 by an organization that is exempt from taxation under 26 U.S.C.  
 1696 s. 527 or s. 501(c) (4).

1697 Section 31. This act shall take effect July 1, 2010.